



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

ACUS is an independent federal agency that develops recommendations to improve administrative process and procedure and arranges for the interchange of useful information to carry out its mission. For more information about ACUS, visit our website at www.acus.gov or contact us at info@acus.gov.

Report to Congress

Equal Access to Justice Act Awards, Fiscal Year 2020

What is the Equal Access to Justice Act (EAJA)?

Under EAJA, individuals, small businesses, and others who prevail against the federal government in federal court cases and certain adversary adjudications may be entitled to attorney's fees and other expenses. To receive fees and expenses, the government's position must not have been substantially justified.

What did ACUS study?

Federal law charges ACUS's Office of the Chairman with establishing a public database and preparing an annual report that accounts for all EAJA awards against the United States. ACUS requested FY 2020 data from 58 agencies. Fifty-seven agencies (98%) responded by March 30, 2021.

In addition to collecting and reporting the data from agencies about individual EAJA awards, the Office of the Chairman assembled other information about the reported EAJA awards, including a breakdown of **awards by case type** (court case or adversary adjudication) and an overview of the **statutes under which EAJA plaintiffs filed suit**.

	Awards by Case Type		
	Court	Adjudication	Total
Social Security Administration	8,888	0	8,888
Dep't of Veterans Affairs	6,567	0	6,567
Dep't of Homeland Security	62	7	*75
Dep't of the Interior	17	0	17
Dep't of Agriculture	7	9	16
Dep't of Justice	11	0	11
Dep't of Health and Human Services	9	0	9
Dep't of Transportation	0	3	3
Dep't of Commerce	2	0	2
Environmental Protection Agency	1	1	2
Dep't of Education	1	0	1
Dep't of Labor	1	0	1
Dep't of State	1	0	1
Federal Election Commission	1	0	1
Federal Trade Commission	1	0	1
Railroad Retirement Board	0	1	1
Total	15,569	21	15,596

* Six awards not categorized by agency. As a result, the totals do not perfectly align.

Read the full report to Congress at www.acus.gov/EAJA.

Visit the EAJA database at eaja.acus.gov.

Statutes and Other Legal Authorities Under Which EAJA Plaintiffs Filed Suit

	A P A	S S A	D J A	E S A	B I V	I N A	C R A	N E P A	P W H C	Other
Social Security Administration										
Dep't of Veterans Affairs										AOA; BWA CDA; VBA; VDA
Dep't of Homeland Security										FAR; FTCLA; MVA; TA
Dep't of the Interior										ANILCA; FOIA FLPMA; NHPA NPATMA; QTA WFRHBA
Dep't of Agriculture										FCIA; FSA NFMA; WA
Dep't of Justice										
Dep't of Health and Human Services										AWA; FSMA
Dep't of Transportation										*NCC
Dep't of Commerce										
Environmental Protection Agency										CWA; FIFRA
Dep't of Education										
Dep't of Labor										
Dep't of State										
Federal Election Commission										FECA
Federal Trade Commission										FTCA
Railroad Retirement Board										*NCC

AOA	Agent Orange Act	FSMA	Food Safety Modernization Act
ANILCA	Alaska National Interest Lands Conservation Act	FSA	Food Security Act
APA	Administrative Procedure Act	FTCA	Federal Trade Commission Act
AWA	All Writs Act	FTCLA	Federal Tort Claims Act
BIV	Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 (1971)	INA	Immigration and Nationality Act
BWA	Blue Water Navy Vietnam Veterans Act	MVA	Mandamus and Venue Act
CDA	Contract Disputes Act	NEPA	National Environmental Policy Act
CRA	Civil Rights Act	NHPA	National Historic Preservation Act
CWA	Clean Water Act	NPATMA	National Parks Air Tour Management Act
DJA	Declaratory Judgment Act	PWHC	Petition for Writ of Habeas Corpus
ESA	Endangered Species Act	QTA	Quiet Title Act
FAR	Federal Acquisition Regulation	SSA	Social Security Act
FCIA	Federal Crop Insurance Act	TA	Tucker Act (Bid Protest)
FECA	Federal Election Campaign Act	VBA	Veterans' Benefits Act
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act	VDA	Veterans' Dioxin and Radiation Exposure Compensation Standards Act
FLPMA	Federal Land Policy and Management Act	WFRHBA	Wild Free-Roaming Horses and Burros Act
FOIA	Freedom of Information Act	*NCC	This reporting requirement applied only to court cases. Agencies reporting only adjudications are labeled *NCC for No Court Cases.

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